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PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग्न संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 2nd July 1971

G.S.R. 997.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the Union territory of Delhi, the Bombay Relief Undertakings (Special Provisions) Act, 1958 (Bombay Act 96 of 1958), as in force in the State of Maharashtra at the date of this notification, subject to the following modifications, namely:—

Modifications

1. Throughout the Act, unless otherwise directed by this notification, for the words "State Government", the word "Administrator" and for the words "Official Gazette", the words "Delhi Gazette" shall be substituted.

2. In section 1, in sub-section (2), for the words "State of Maharashtra", the words "Union territory of Delhi" shall be substituted.

3. In section 2, clause (1) shall be renumbered as clause (IA) thereof and before the clause as so renumbered, the following clause shall be inserted, namely:—

"(1) "Administrator" means the Administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution";.

4. In section 3, in sub-section (1), for the words "State Government" where they occur for third and fourth times, the word "Government" shall be substituted.

5. In section 4,—

- (a) in sub-section (1), in clause (a), in sub-clause (ii), for the words "State Government", where they occur for the first and second times, the word "Government" shall be substituted;
- (b) in sub-section (2), for the words and figures "Bombay General Clauses Act, 1904", the words and figures "General Clauses Act, 1897" shall be substituted.

6. For the Schedule, the following Schedule shall be substituted, namely:—

"SCHEDULE

Central Acts

1. The Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).
2. The Industrial Disputes Act, 1947 (14 of 1947).

Delhi Act

The Delhi Shops and Establishments Act, 1954 (Delhi Act 7 of 1954)."

ANNEXURE

The Bombay Relief Undertakings (Special Provisions) Act, 1958, as extended to the Union territory of Delhi.

(Bombay Act 96 of 1958)

An Act to make temporary provisions for industrial relations and other matters to enable the State Government to conduct, or to provide loan, guarantee or financial assistance for the conduct of, certain industrial undertakings as a measure of preventing unemployment or of unemployment relief.

Whereas it is expedient to make temporary provisions for industrial relations and other matters to enable the State Government to conduct, or to provide loan, guarantee or financial assistance for the conduct of, certain industrial undertakings as a measure of preventing unemployment or of unemployment relief, It is hereby enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called that Bombay Relief Undertakings (Special Provisions) Act, 1958.

(2) It extends to the whole of the Union territory of Delhi.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "Administrator" means the Administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution;

(1A) "Industry" means any business trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or vocation of workmen; and the word "Industrial" shall be construed accordingly;

(2) "relief undertaking" means an industrial undertaking in respect of which a declaration under section 3 is in force.

3. *Declaration of relief undertaking.*—(1) If at any time it appears to the Administrator necessary to do so, the Administrator may, by notification in the Delhi Gazette, declare that an industrial undertaking specified in the notification, whether started, acquired or otherwise taken over by the Government, and carried on or proposed to be carried on by itself or under its authority or to which any loan, guarantee or other financial assistance has been provided by the Government shall, with effect from the date specified for the purpose in the notification, be conducted to serve as a measure of preventing unemployment or of unemployment relief and the undertaking shall accordingly be deemed to be a relief undertaking for the purposes of this Act.

(2) A notification under sub-section (1) shall have effect for such period not exceeding twelve months as may be specified in the notification; but it shall be

renewable by like notifications from time to time for further periods not exceeding twelve months at a time, so however that all the periods in the aggregate do not exceed fifteen years.

4. Power to prescribe industrial relations and other facilities temporarily for relief undertakings.—(1) Notwithstanding any law, usage, custom, contract, instrument, decree, order, award, submission, settlement, standing order or other provision whatsoever, the Administrator may, by notification in the Delhi Gazette, direct that—

(a) in relation to any relief undertaking and in respect of the period for which the relief undertaking continues as such under sub-section (2) of section 3—

(i) all or any of the laws in the Schedule to this Act or any provisions thereof shall not apply and such relief undertaking shall be exempt therefrom, or shall, if so directed by the Administrator, be applied with such modifications (which do not however affect the policy of the said laws as may be specified in the notification);

(ii) all or any of the agreements, settlements, awards or standing orders made under any of the laws in the Schedule to this Act, which may be applicable to the undertaking immediately before it was acquired or taken over by the Government or before any loan, guarantee or other financial assistance was provided to it by, or with the approval of, the Government, for being run as a relief undertaking, shall be suspended in operation or shall, if so directed by the Administrator, be applied with such modifications as may be specified in the notification;

(iii) rights, privileges, obligations and liabilities shall be determined and be enforceable in accordance with clauses (i) and (ii) and the notification;

(iv) any right, privilege, obligation or liability accrued or incurred before the undertaking was declared a relief undertaking and any remedy for the enforcement thereof shall be suspended and all proceedings relative thereto pending before any court, tribunal, officer or authority shall be stayed;

(b) the right, privilege, obligation or liability referred to in clause (a)(iv) shall, on the notification ceasing to have force, revive and be enforceable and the proceedings referred to therein shall be continued:

Provided that in computing the period of limitation for the enforcement of such right, privilege, obligation or liability, the period during which it was suspended under clause (a)(iv) shall be excluded notwithstanding anything contained in any law for the time being in force.

(2) A notification under sub-section (1) shall have effect from such date, not being earlier than the date referred to in sub-section (1) of section 3, as may be specified therein, and the provisions of section 21 of the General Clauses Act, 1897, (10 of 1897), shall apply to the power to issue such notification.

SCHEDULE

Central Acts

1. The Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).
2. The Industrial Disputes Act, 1947 (14 of 1947).

Delhi Acts

The Delhi Shops and Establishments Act, 1954 (Delhi Act 7 of 1954).

[No. F.3/3/71-UTL-(118).]

K. R. PRABHU, Jt. Secy.

